

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|------------------------------------|-------------------------------|
| GERARD SZUBIELSKI, |) |
| |) |
| Plaintiff, |) |
| |) |
| v.. |) CIVIL ACTION NO. 15-984 RGA |
| |) |
| DAVID PIERCE, IN HIS PERSONAL |) |
| CAPACITY, AND DANA METZGER, IN HIS |) |
| OFFICIAL CAPACITY AS WARDEN OF |) |
| JAMES T. VAUGHN CORRECTIONAL |) |
| CENTER, |) |
| |) |
| Defendants. |) |

**JOINT MOTION AND ORDER
FOR ENTRY OF A SCHEDULING ORDER**

Plaintiff, Gerard Szubielski, and Defendant, David Pierce, by and through their undersigned counsel, provide the following agreed-upon proposed scheduling order, and respectfully request the Court to enter a scheduling order in this matter.

The parties propose the following schedule:

1. Pretrial Conference. On June 18, 2021, the Court will hold a Rule 16(e) final pretrial conference in Court with counsel beginning at 9 a.m. in Courtroom 6A.
2. Pretrial Order. The parties shall file a joint proposed final pretrial order in compliance with Local Rule 16.3(c) on or before June 11, 2021.
3. Motions in Limine. Motions *in limine* shall not be separately filed. All *in limine* requests and responses thereto shall be set forth in the proposed pretrial order. Each party shall be

limited to three *in limine* requests, unless otherwise permitted by the Court. The *in limine* request and any response shall contain the authorities relied upon; each *in limine* request may be supported by a maximum of three pages of argument and may be opposed by a maximum of three pages of argument, and the party making the *in limine* request may add a maximum of one additional page in reply in support of its request. If more than one party is supporting or opposing an *in limine* request, such support or opposition shall be combined in a single three page submission (and, if the moving party, a single one page reply). No separate briefing shall be submitted on *in limine* requests, unless otherwise permitted by the Court.

a. The parties will exchange any *motion in limine* briefs on June 2, 2021, opposition briefs on June 9, 2021, and reply briefs on June 11, 2021 to be filed with the pretrial order.

4. Jury Instructions, Voir Dire, and Special Verdict Forms. The parties shall file (i) proposed voir dire, (ii) preliminary jury instructions, (iii) final jury instructions, and (iv) special verdict forms no later than 5 p.m. on June 15, 2021.

5. Trial. This matter is scheduled for a 2-3 day trial beginning at 9:30 a.m. on July 6, 2021, with the subsequent trial days beginning at 9:30 a.m. Until the case is submitted to the jury for deliberations, the jury will be excused each day at 4:30 p.m. The trial will be timed, as counsel will be allocated a total number of hours in which to present their respective cases.

Accordingly, the parties jointly and respectfully request the Court to enter a scheduling order in this matter.

Respectfully Submitted,

**TROUTMAN PEPPER HAMILTON
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/s/ Joanna J. Cline

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Attorneys for Plaintiff Gerard Szubielski

Dated: May 12, 2021

It is SO ORDERED

/s/ Richard G. Andrews 5/12/2021

The Honorable Richard G. Andrews
United States District Court Judge